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15 UNITED STATES DISTRICT COURT
16 CENTRAL DISTRICT OF CALIFORNIA
17
18

19 JULIA HUBBARD, *et al.*,
20 Plaintiffs,
21 vs.
22 TRAMMELL S. CROW, JR., *et al.*,
23 Defendants.
24
25

26 Case No. 2:22-cv-07957-FLA-MAA
27
28

Assigned to Honorable
Fernando L. Aenlle-Rocha

**DEFENDANT ROBERT PRUITT'S
NOTICE OF MOTION AND
MOTION TO DISMISS FOR LACK
OF PERSONAL JURISDICTION;**

**MEMORANDUM OF POINTS AND
AUTHORITIES**

(Filed concurrently with Declaration of
Robert Pruitt and [Proposed] Order)

Date: Mar. 10, 2023
Time: 1:30 p.m.
Place: Courtroom 6B

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:
2 PLEASE TAKE NOTICE THAT ON March 10, 2023, at 1:30 p.m., or as
3 soon thereafter as the matter may be heard, before the Honorable Fernando L.
4 Aenlle-Rocha at the First Street Courthouse, 350 West 1st Street, Courtroom 6B,
5 6th Floor, Los Angeles, California 90012, Defendant Robert Pruitt will and hereby
6 does specially appear and move pursuant to Rule 12(b)(2) of the Federal Rules of
7 Civil Procedure for an order dismissing this action because the Court lacks personal
8 jurisdiction over this Defendant.

9 This Motion is based on the following grounds:

10 First, this District Court has neither general nor specific jurisdiction over
11 Mr. Pruitt. None of the traditional bases of personal jurisdiction is present here—
12 *i.e.*, physical presence, domicile, or consent. Nor do Plaintiffs allege any conduct by
13 Mr. Pruitt in California.

14 Second, nationwide jurisdiction is not appropriate under the RICO statute
15 relied upon by Plaintiffs (*i.e.*, 18 U.S.C. § 1965(b)). Justice does not require
16 nationwide jurisdiction, based upon the alleged California residency of a single
17 Defendant, particularly because an alternative forum (Texas) is available where
18 nearly all of the parties reside, where nearly all of the alleged conduct occurred and
19 where any witnesses to the acts alleged in the Complaint are likely to reside.

20 This Motion is based on this Notice of Motion and Motion, the attached
21 Memorandum of Points and Authorities, the concurrently filed Declaration of
22 Defendant Robert Pruitt, those matters of which the Court properly may take
23 judicial notice, on such further evidence and argument as may be presented to the
24 Court in further briefing and at oral argument at the hearing on this Motion, and on
25 the papers, records, and pleadings on file herein.

26 ///

27 ///

28 ///

This Motion is made following the conference of counsel pursuant to Local Rule 7-3 which took place by telephone on January 25, 2023.

Dated: February 1, 2023

THE COOK LAW FIRM, P.C.

By: /s/ Philip E. Cook
Philip E. Cook

Attorneys for Defendant
ROBERT PRUITT

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION AND SUMMARY OF ARGUMENT

Despite Plaintiffs' improper attempt to select the Central District for strategic reasons, this action belongs (if anywhere) in Texas—not California. The Court should grant this Motion to Dismiss for Lack of Personal Jurisdiction.

The District Court in California has neither general nor specific jurisdiction over Defendant Robert Pruitt. None of the traditional bases of general personal jurisdiction is present here—*i.e.*, physical presence, domicile, or consent. Mr. Pruitt also lacks significant contacts with California and has no contacts with California related to the subject of the Complaint. Nor does the Complaint allege any conduct by Mr. Pruitt in California.

Plaintiffs allege that nationwide jurisdiction against the dozens of Texas defendants is appropriate here under the RICO jurisdictional statute. 18 U.S.C. § 1965(b). But Plaintiffs cannot satisfy the statutory standard—*i.e.*, the ends of justice do not “require” nationwide jurisdiction. Instead, a comprehensive review of the allegations set forth in the Complaint reveal that the “ends of justice” require that this action be prosecuted and defended in the State of Texas.

The Ninth Circuit applies a strict interpretation of the RICO jurisdictional statute, requiring a plaintiff to prove that a viable alternative forum *does not* exist. Here, an alternative forum is plainly available—*i.e.*, Texas. Plaintiffs themselves admit that twenty-five of the twenty-eight Defendants reside in Texas (Compl. [ECF No. 1], ¶¶ 62-89). Plaintiffs further admit that essentially all of the alleged conduct occurred there. Even the conduct of a single Defendant that allegedly occurred in California only manifested itself in Texas, according to the Complaint, which would be sufficient to establish personal jurisdiction in Texas as to all Defendants.

In a blatant act of forum-shopping, Plaintiffs—both of whom are Virginia residents—filed this action in California without any legitimate basis. For manifest

1 due process reasons, and because Plaintiffs cannot show that Texas is not an
 2 alternative forum, the Court should grant the Motion to Dismiss for Lack of
 3 Personal Jurisdiction.

4 **II. SUMMARY OF PERTINENT ALLEGATIONS AND FACTS**

5 The Complaint alleges the following facts pertaining to personal jurisdiction
 6 (which are taken as true for purposes of this Motion but remain subject to later
 7 challenge for factual accuracy):

8 **A. Brief summary of the Complaint**

9 The gravamen of the Complaint is that Defendant Richard Hubbard (“Rick”)
 10 “ran a sex and labor trafficking venture” in which he forced his wife Plaintiff Julia
 11 Hubbard (a former Texas nightclub waitress) and later his fiancée Plaintiff Kayla
 12 Goedinghaus to “engage in commercial sex acts” for Rick’s financial benefit.
 13 (Compl., ¶¶ 1, 4, 167.) This “Venture” became an alleged illegal racketeering
 14 “Enterprise.” (*Id.*, ¶ 6.) Apart from the conduct of Defendant Eller, discussed
 15 below, all of the conduct and work of the Enterprise occurred in Texas. (*Id.*, ¶ 332.)
 16 The Complaint alleges four counts against all Defendants for violation of Human
 17 Trafficking Laws, civil RICO racketeering, and civil RICO conspiracy.

18 This Enterprise included the following components (using the nomenclature
 19 from the Complaint):

- 20 • “Dr. Todd Eller and the Medical Doctor Defendants”: Rick used
 21 prescription medications to control Plaintiffs. (*Id.*, ¶¶ 7-16.) He obtained
 22 these medications through Dr. Eller, a psychologist residing in Santa
 23 Monica, California. Rick used Eller’s written recommendations to get
 24 Texas doctors to write prescriptions for Plaintiffs. (*Id.*, ¶ 14.) These
 25 “Medical Doctor Defendants” all resided in Texas. (*Id.*, ¶ 305.) Dr. Eller,
 26 in turn, “submitted false affidavits and testimony to courts in Texas.” (*Id.*,
 27 ¶ 304; *e.g.*, ¶ 132.)
- 28 • “Fixer Defendants,” including a Texas Ranger who allegedly helped

1 threaten Hubbard. (*Id.*, ¶ 18.)

- 2 • “Investor Defendants,” including Texas philanthropist Defendant
 3 Trammell S. Crow , Jr., and “eight other prominent Texas businessmen”
 4 who allegedly provided funds for the Venture. (*Id.*, ¶ 1.)
- 5 • “Labor Trafficking Defendants,” who were managers “at a gentleman’s
 6 club in Dallas, Texas.” (*Id.*, ¶ 44.) These Defendants allegedly forced
 7 Plaintiffs to sell drugs at clubs in Texas. (*Id.*, ¶ 48.)
- 8 • A series of Texas companies that Rick founded to facilitate the processing
 9 of funds for the Venture, all of which were registered and domiciled in
 10 Texas. (*Id.*, ¶ 235.)
- 11 • Rick and Hubbard have apparently already litigated a number of their
 12 disputes in Texas courts, including an arrest for harassment and court
 13 actions for dissolution, custody and a restraining order. (*Id.*, ¶¶ 132-134,
 14 304.)
- 15 • In other Texas court litigation, Plaintiff Goedinghaus had Rick arrested on
 16 harassment charges, following which she obtained a lifetime protection
 17 order against him. (*Id.*, ¶ 302.)

18 **B. Summary of residence allegations in the Complaint**

19 The following summarizes the residence allegations in the Complaint:

- 20 • In total, twenty-five (25) of the twenty-eight (28) named Defendants
 21 reside in Texas. (Compl., ¶¶ 62-89.)
- 22 • Defendant Rick resides in Texas. (*Id.*, ¶ 64.)
- 23 • Defendant Dr. Eller resides in California – the only alleged California
 24 resident. (*Id.*, ¶ 63.)
- 25 • All Medical Doctor Defendants reside in Texas (with one now
 26 incarcerated in North Carolina). (*Id.*, ¶¶ 65-68.)
- 27 • All Investor Defendants reside in Texas. (*Id.*, ¶¶ 62, 69-72, 74-77.)
- 28 • All five Labor Trafficking Defendants reside in Texas (except for one

1 Delaware corporation that owns the Texas gentleman's club). (*Id.*, ¶¶ 44,
2 78-81.)

- 3 • All Defendant companies formed by Rick for the Venture are limited
4 liability companies registered in Texas. (*Id.*, ¶¶ 85-89.)
5 • Defendants Shawn Mayer and Jade Mayer (Hubbard's former husband
6 and his wife) reside in Texas. (*Id.*, ¶¶ 82-83.)
7 • All of the seven identified non-party persons reside in Texas. (*Id.*, ¶¶ 92-
8 94.)
9 • Plaintiffs both reside in Virginia, not California. (*Id.*, ¶¶ 60-61.)

10 **C. Jurisdiction allegations in the Complaint**

11 The Complaint alleges the following basis for personal jurisdiction:

12 "53. Venue is appropriate in the Central District of California
13 as Defendant Eller resides and operates his business in the District and
14 his acts were central to and essential to the work of the Venture
15 described herein.

16 * * *

17 "58 This Court has personal jurisdiction over the parties, as
18 the actions that constitute the violations of 18 U.S.C. § 1962(c) and (d)
19 were made possible by the acts of Defendant Eller, which occurred in
20 this District. Further, the Court has personal jurisdiction over each
21 Defendant because each Defendant who does not reside in this District
22 purposefully availed themselves of the legal protection of the State of
23 California and purposefully directed business to this State.

24 "59. Moreover, nationwide service of process is conferred by
25 18 U.S.C. § 1965(b) for violations of 18 U.S.C. § 1962 as long as the
26 Court has personal jurisdiction over at least one party."

27 (Compl., ¶¶ 53, 58-59.)

1 **D. Allegations against Defendant Robert Pruitt**

2 The Complaint contains the following scant allegations against Mr. Pruitt,
 3 who is alleged to be one of the “Investor Defendants”:

- 4 • Pruitt is the president of Data Center Equipment & Support, LLC. (*Id.*,
 5 ¶ 218.)
- 6 • “Pruitt provided financial support to the Venture, often in the form of
 7 paying for expenses at Rick’s request, such as Rick’s utility bill.” (*Id.*,
 8 ¶ 219.)
- 9 • Mr. Pruitt employed Rick. An image of a 2016 Form 1099 shows
 10 payment to Rick of \$100,059 in compensation. (*Id.*, ¶ 220.)
- 11 • Mr. Pruitt allegedly insisted that Rick send him naked photos of Hubbard.
 12 (*Id.*, ¶ 221.)
- 13 • During 2010-2017, it is alleged that “Rick would force Hubbard to sit in
 14 Pruitt’s lap, while Pruitt would grope Hubbard, smell her hair, and kiss
 15 her cheek.” (*Id.*, ¶¶ 222-223.)
- 16 • By their own allegations, Plaintiffs admit that any alleged conduct by
 17 Mr. Pruitt occurred solely in the State of Texas.

18 **E. Declaration of Robert Pruitt**

19 Mr. Pruitt’s Declaration, filed concurrently in support of this Motion,
 20 confirms that there is no basis upon which this Court could exercise personal
 21 jurisdiction over him:

- 22 • Pruitt was served the Complaint in Texas.
- 23 • Pruitt’s domicile and residence is in Texas.
- 24 • Pruitt never consented to California jurisdiction.
- 25 • Pruitt has never resided or owned or leased property in California.
- 26 • Pruitt has had no significant contacts with California.
- 27 • Pruitt has never used California courts or paid taxes in California.

1 As for the allegations of the Complaint, Mr. Pruitt never has interacted in
 2 California with Plaintiffs or any other party named in the litigation. All of
 3 Mr. Pruitt's limited interactions with Rick and Hubbard were in Texas.

4 **III. LEGAL DISCUSSION**

5 **A. This Court cannot exercise personal jurisdiction over Defendant
 6 Pruitt.**

7 Rule 12(b)(2) of the Federal Rules of Civil Procedure permits a defendant to
 8 assert a defense by motion for lack of personal jurisdiction.

9 Personal jurisdiction is required whenever a judgment is sought that would
 10 impose an obligation on defendant personally—*e.g.*, a judgment for money
 11 damages, as here. *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*,
 12 456 U.S. 694, 711 n.1 (1982). Further, federal courts do not ordinarily have
 13 nationwide personal jurisdiction. Rather, they have no broader power over persons
 14 outside the state in which they sit than do the local state courts. *Omni Capital Int'l,*
 15 *Ltd. v. Rudolph Wolff & Co., Ltd.*, 484 U.S. 97, 104-05 (1987); Fed. R. Civ. P.
 16 4(k)(1)(A).

17 Personal jurisdiction may be “general” or “specific.” *Bristol-Myers Squibb*
 18 *Co. v. Superior Court*, 582 U.S. ___, 137 S.Ct. 1773, 1785 (2017). For an individual,
 19 the paradigm of general (or “all-purpose”) jurisdiction is the person’s domicile. *Id.*
 20 Specific jurisdiction, in contrast, requires an “an affiliation between the forum and
 21 the underlying controversy, principally, [an] activity or an occurrence that takes
 22 place in the forum State.” *Id.*, quoting *Goodyear Dunlop Tires Ops., S.A. v. Brown*,
 23 564 U.S. 915, 919 (2011).

24 **1. The Court lacks general jurisdiction over Defendant Pruitt.**

25 The three bases for the exercise of general personal jurisdiction recognized
 26 since early common law are service within the state (physical presence), domicile,
 27 and consent. *J. McIntyre Mach., Ltd. v. Nicastro*, 564 U.S. 873, 880 (2011)
 28 (consent, domicile or presence reveal “a course of conduct, from which it is proper

1 to infer an intention to benefit from and thus an intention to submit to the laws of
 2 the forum State”).

3 As applied here, Mr. Pruitt’s Declaration establishes that these traditional
 4 bases of personal jurisdiction are not present here—*i.e.*, physical presence,
 5 domicile, or consent. Mr. Pruitt was served the Complaint in Texas. His domicile is
 6 in Texas. He has never consented to California jurisdiction. (Pruitt Decl., ¶¶ 2-4.)

7 **2. The Court lacks specific jurisdiction over Defendant Pruitt.**

8 Nor did Pruitt have minimum contacts with California sufficient to establish
 9 personal jurisdiction. Absent one of the traditional bases for personal jurisdiction
 10 (presence, domicile or consent), due process requires that a defendant have “certain
 11 minimum contacts with [the forum state] such that the maintenance of the suit does
 12 not offend traditional notions of fair play and substantial justice.” *Int’l Shoe Co. v.*
 13 *State of Wash.*, 326 U.S. 310, 316 (1945). The purpose of requiring minimum
 14 contacts is to (1) protect the defendant against the burdens of litigating in a distant
 15 or inconvenient forum, and (2) ensure that states do not reach out beyond the limits
 16 of their sovereignty imposed by their status in a federal system. *World-Wide*
 17 *Volkswagen Corp. v. Woodson*, 444 U.S. 286, 291 (1980).

18 A defendant who is not “at home” in the forum state and thus not subject to
 19 general or all-purpose jurisdiction may still be subject to jurisdiction on claims
 20 related to its activities or contacts there. *Walden v. Fiore*, 571 U.S. 277, 283 n.6
 21 (2014); *Int’l Shoe Co.*, 326 U.S. at 317. To establish specific jurisdiction, a plaintiff
 22 must show that his or her claim arises out of or results from defendant’s forum-
 23 related contacts.

24 Plaintiff bears the burden on the first two factors (“purposeful” availment and
 25 “arising out of”). If plaintiff establishes both factors, defendant must demonstrate a
 26 “compelling case” that the exercise of jurisdiction would be “unreasonable.” *Burger*
 27 *King Corp. v. Rudzewicz*, 471 U.S. 462, 477 (1985). To determine whether the
 28 claim “arises out of” the nonresident’s forum-related activities, activities that are

1 deemed “too attenuated” do not satisfy the “but for” test. *Doe v. Am. Nat'l Red*
 2 *Cross*, 112 F.3d 1048, 1051 (9th Cir. 1997).

3 Here, Mr. Pruitt’s Declaration shows that he has had almost no contacts with
 4 California. Those contacts he has had involve only limited familial and business
 5 contacts, no evidence of any intent on Mr. Pruitt’s part to maintain a residence or
 6 place a business in California, or to otherwise avail himself of the benefits of
 7 California law. (Pruitt Decl., ¶¶ 5-13, 22.) Even more pertinent here, those contacts
 8 had nothing to do with the facts alleged in the Complaint, none of which “arose out
 9 of” any of Mr. Pruitt’s California contacts.

10 Finally, Plaintiffs allege in conclusory fashion that “each Defendant . . .
 11 purposefully availed themselves of the legal protection of the State of California
 12 and purposefully directed business to this State” (Compl. at ¶ 58) But this
 13 boilerplate language lacks the factual support to satisfy Plaintiffs’ burden.

14 **B. Nationwide jurisdiction does not apply here.**

15 Some federal statutes include a basis for nationwide jurisdiction, typically to
 16 address in one forum a series of multistate wrongs. But nationwide service of
 17 process remains limited by due process concerns of fairness and convenience, as the
 18 RICO statute itself directs.

19 **1. Plaintiffs do not satisfy the statutory standard for nationwide
 20 jurisdiction.**

21 Plaintiffs allege statutory nationwide jurisdiction under Section 1965(b) of
 22 RICO, which provides as follows:

23 In any action under section 1964 of this chapter in any district court of
 24 the United States in which it is shown that *the ends of justice require*
 25 that other parties residing in any other district be brought before the
 26 court, the court may cause such parties to be summoned, and process
 27 for that purpose may be served in any judicial district of the United
 28 States by the marshal thereof.

1 18 U.S.C. § 1965(b) (emphasis added). The Court must analyze whether a RICO
 2 plaintiff has fulfilled the requirements of Section 1965(b) in order to apply
 3 jurisdiction on a nationwide basis:

4 Congress intended the “ends of justice” provision to enable plaintiffs
 5 to bring all members of a nationwide RICO conspiracy before a court
 6 in a single trial. . . . [T]he court must have personal jurisdiction over
 7 at least one of the participants in the alleged multidistrict conspiracy
 8 and the plaintiff must show that there is no other district in which a
 9 court will have personal jurisdiction over all of the alleged co-
 10 conspirators. . . . Thus, *merely naming persons in a RICO complaint*
 11 *does not, in itself, make them subject to section 1965(b)’s nationwide*
 12 *service provisions.*

13 *Butcher’s Union Local No. 498, United Food & Commercial Workers v. SDC Inv.,*
 14 *Inc.*, 788 F.2d 535, 539 (9th Cir. 1986) (holding plaintiff “failed to allege a
 15 multidistrict conspiracy”) (emphasis added). In other words, the Ninth Circuit
 16 requires a plaintiff to show that no other district would have personal jurisdiction
 17 over all of the alleged co-conspirators.

18 Following the Ninth Circuit’s “rigid” test, a number of District Courts have
 19 rejected nationwide RICO jurisdiction because of the presence of an alternative
 20 forum:

- 21 • *Shuman v. Computer Assocs. Int’l, Inc.*, 762 F. Supp. 114, 117-18 (E.D.
 22 Pa. 1991) (weight of contacts underlying former employee’s RICO claim
 23 pointed substantially and obviously to New Jersey as appropriate
 24 venue because former employee worked in New Jersey for New Jersey
 25 corporation where she claimed she was sexually harassed and
 26 alternatively defrauded and extorted sexual favors and she failed to
 27 identify any specific factor which would have suggested that ends of
 28 justice required defendants to appear elsewhere);

- *Eastman v. Initial Invs., Inc.*, 827 F.Supp. 336, 338-39 (E.D. Pa. 1993) (ends of justice would not be threatened by declining to exercise nationwide jurisdiction where venue was clearly proper in Texas as to Texas defendants);
- *High Adventure Ministries, Inc. v. Tayloe*, 309 F.Supp.3d 461, 473 (W.D. Ky. 2018) (applying *Butcher's Union* to reject nationwide jurisdiction under RICO “to hale two individual defendants across the country to a venue already deemed improper under the traditional specific jurisdiction analysis” absent a “nationwide conspiracy,” *i.e.*, absent “overly complicated jurisdictional issues concerning numerous defendants across multiple states”);
- *Magic Toyota, Inc. v. Southeast Toyota Distrib., Inc.*, 784 F.Supp. 306, 311-12 (D.S.C.1992) (noting Ninth Circuit’s “rigid test” under *Butcher's Union* and holding alternative forum had personal jurisdiction over all defendants, and no evidence, other than convenience to plaintiff, “that justice requires haling” those persons to other district); and
- *Brown v. Kerkhoff*, 504 F.Supp.2d 464, 493-94 (S.D. Iowa 2007) (following *Butcher's Union* case, holding plaintiffs failed to show that an alternative forum did not exist).

The jurisdictional facts before the Court do not even begin to approach the level of justice *requiring* California jurisdiction. Instead, an alternative forum for this case exists in Texas. And based on their own allegations, Plaintiffs will not be able to show why Texas would not be a sufficient alternative forum. A Texas court would have personal jurisdiction over all of the Texas-resident Defendants—as well as Eller, given the allegations of his conduct in Texas, including transmitting false information to Texas courts and Texas medical doctors for their alleged treatment of Texas residents. (Compl. at ¶¶ 304-305.)

1 In addition, Plaintiff Hubbard and Rick Hubbard already have litigated
 2 certain claims and issues between themselves in certain Texas courts (*Id.*, ¶¶ 132-
 3 134), potentially vesting continuing jurisdiction in those courts (especially Texas
 4 family courts) to adjudicate those parties' disputes.

5 **2. The California residence of only one Defendant does not justify
 6 haling all Defendants to an inconvenient forum.**

7 Plaintiffs try to base nationwide jurisdiction only on the California residence
 8 of Eller. This is an insufficient basis. The Complaint vaguely alleges that Eller (a
 9 psychologist) facilitated the Venture by providing the written basis for the
 10 prescription medications that Rick used to control Hubbard. But this allegation is
 11 insufficient for many reasons, including that (a) Eller's conduct does not appear to
 12 be a central part of the Enterprise, which included all types of manipulation and
 13 abuse of Plaintiffs; and (b) Eller did not even write the prescriptions at issue, which
 14 all were allegedly written by Texas doctors.

15 **3. Nationwide jurisdiction is not warranted here.**

16 The following considerations all militate against nationwide jurisdiction here.
 17 Of course, Plaintiffs do not themselves reside in California. Nor have Plaintiffs
 18 alleged a bona fide multistate conspiracy. To the contrary, the principal parties (*i.e.*,
 19 Rick and Hubbard) have already litigated a number of related disputes in Texas
 20 courts, including an arrest for harassment and court actions for dissolution, custody
 21 and a restraining order.

22 Plaintiffs further allege that twenty-five (25) of the twenty-eight (28) named
 23 Defendants reside in Texas and that nearly all of the alleged conduct occurred in
 24 Texas. And beyond the thirty (30) named parties to this litigation, Plaintiffs do not
 25 allege that any of the number of witnesses to the conduct alleged in the Complaint
 26 that one might reasonably expect are currently located anywhere other than Texas
 27 (including without limitation the seven Texas-based non-parties that are identified
 28 in the Complaint).

Finally, the Complaint's sole allegations concerning California involve Defendant Eller, and his alleged conduct in California was merely tangential to the alleged Enterprise. On the extensive facts alleged, Plaintiffs' commencement of suit in this Court is forum-shopping at its finest. Regardless, given Plaintiffs' allegations that all of Eller's relevant communications were aimed at and caused an impact in Texas, he would be subject to personal jurisdiction in Texas.

7 || IV. CONCLUSION

8 For all of the reasons set forth above, Defendant Robert Pruitt asks the Court
9 to grant this Motion to Dismiss for Lack of Personal Jurisdiction.

10 | Dated: February 1, 2023

Respectfully submitted,

THE COOK LAW FIRM, P.C.

By: /s/ Philip E. Cook
Philip E. Cook

**Attorneys for Defendant
ROBERT PRUITT**

CERTIFICATE RE WORD COUNT

The undersigned, counsel of record for Defendant Robert Pruitt, certifies that this brief contains approximately 3,196 words, as calculated by Microsoft Word Word-Count (exclusive of the caption, the table of contents, the table of authorities, the signature block, and this certification required by L.R. 11-6.2), which complies with the 7,000 word limit of Local Rule 11-6.1. Further, this brief contains only 13 pages, which complies with the page limit set by the December 5, 2022 Initial Standing Order entered in this case [ECF No. 24].

Dated: February 1, 2023

THE COOK LAW FIRM, P.C.

By: /s/ Philip E. Cook
Philip E. Cook

Attorneys for Defendant
ROBERT PRUITT